

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARIA PINEDA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

)
)
)
)
) Case No. 1:18-CV-02534 (CRC)
)
)
)
)
)

**CONSENT MOTION TO STAY PROCEEDINGS AND FOR *NUNC PRO TUNC*
EXTENSION OF TIME IN LIGHT OF LAPSE IN APPROPRIATIONS**

Pursuant to Federal Rule of Civil Procedure 6, Defendants respectfully move to stay this civil action, as well as for a *nunc pro tunc* extension of all deadlines in it, due to the ongoing lapse in appropriations. Plaintiff consents to this motion.

At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice (Department) expired and the required appropriations lapsed. The same is true for multiple additional executive agencies. Undersigned counsel does not know when funding will be restored by Congress.

Absent an appropriation, Department attorneys, including the Assistant United States Attorney assigned to this matter, are prohibited from working on substantive matters, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

Accordingly, Defendants, through undersigned counsel, request a stay of this civil action, as well as an extension of time commensurate with the calendar day duration of the lapse in appropriations, until Congress has restored appropriations to the Department.

If this motion is granted, the parties will notify the Court within fourteen days once appropriations for the Department have been restored and at that time will file a joint status report proposing revised deadlines for any applicable matters, including a response to the Complaint. Defendant's answer was due Monday, January 14, 2019, when the Court was closed due to inclement weather, so the deadline rolled over to January 15. *See* Fed. R. Civ. P. 6(a)(3) (when clerk's office is closed, deadlines are extended to next business day). However, signatory counsel himself (who is acting this week as Assistant U.S. Attorney Simon's supervisor) had been furloughed until Friday, January 11, 2019, and due to the snow-related office closure on Monday, signatory counsel did not timely move for a stay and extension in this case amid the flurry of other matters that he was newly getting up to speed on and moving for stays in yesterday, January 15, 2019. Signatory counsel regrets the oversight.

Therefore, although undersigned counsel greatly regrets any disruption caused to the Court and the parties, Defendants hereby move for a stay of this case and for the extension of all pending deadlines as set forth above. A proposed Order is attached.

Dated: January 16, 2019

Respectfully submitted,

JESSIE K. LIU
D.C. Bar #472845
United States Attorney

DANIEL F. VAN HORN
D.C. Bar # 924092
Chief, Civil Division

By: /s/ Peter C. Pfaffenroth on behalf of
JEREMY SIMON, D.C. Bar # 447956
Assistant United States Attorney
555 Fourth St., N.W.
Washington, D.C. 20530
Phone: (202) 252-2528
Jeremy.Simon@usdoj.gov
Counsel for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARIA PINEDA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

)
)
)
)
) Case No. 1:18-CV-02534 (CRC)
)
)
)
)
)

[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' motion to stay and for *nunc pro tunc* extension of time in light of lapse in appropriations, and for good cause shown and the entire record herein, it is

ORDERED that Defendants' motion is GRANTED;

ORDERED that this action is stayed until appropriations are restored to the Department of Justice;

ORDERED that all pending deadlines in this action are hereby extended *nunc pro tunc* for a period of time equal to the calendar day duration of the lapse in appropriations; and it is further

ORDERED that the parties shall file a joint status report within fourteen (14) calendar days after Congress has appropriated funds for the Department of Justice notifying the Court that the appropriations lapse has ceased and proposing new deadlines for pending matters.

SO ORDERED.

DATE

UNITED STATES DISTRICT COURT JUDGE